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Attorneys for Plaintiff
FIREMAN'S FUND INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION - EFILING

FIREMAN'S FUND INSURANCE
COMPANY,

Plaintiff,

v.

DISCOVER PROPERTY & CASUALTY
INSURANCE COMPANY,

Defendant.

CASE NO. CV-08-3079 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING MEDIATION
DEADLINE**

1. Counsel report that they have met and conferred regarding ADR and have reached the following stipulation regarding the mediation deadline.

2. The appointed mediator in this matter is Charles R. Ragan of Redgrave Daley Ragan & Wagner LLP.

3. On November 19, 2008, counsel for the parties conferred with mediator Ragan and advised that they planned to submit cross-motions for summary judgment based on stipulated facts since the threshold issues were primarily questions of law. Mediator Ragan concurred that the mediation should be conducted after the hearing on the proposed cross-motions for summary judgment and directed the parties to extend the mediation deadline.

Kennedy
&
Markowitz
L.L.P.

4. Attached hereto is an email notice from the Court's ADR Administrator directing the parties to file a Stipulation and [Proposed] Order to schedule the mediation session beyond the current deadline.

5. The parties to this matter hereby stipulate to continue the mediation deadline to March 20, 2009.

6. Copies of the Stipulation and [Proposed] Order have been emailed to the mediator at cragan@rdw.com and to the ADR Case Administrator at Claudia_forehand@cand.uscourts.gov.

DATED: December 22, 2008

KENNEY & MARKOWITZ L.L.P

By: /s/
DAVID W. GORDON
Attorneys for Plaintiff
FIREMAN'S FUND INSURANCE
COMPANY

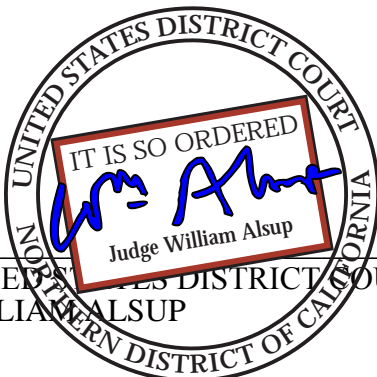
DATED: December 22, 2008

CHAPMAN POPIK & WHITE

By: /s/
RENEE C. CALLANTINE
Attorneys for Defendant
DISCOVER PROPERTY & CASUALTY
INSURANCE COMPANY

Pursuant to the stipulation above, the mediation deadline is extended to March 20, 2009.

DATED: December 24, 2008


UNITED STATES DISTRICT COURT JUDGE
WILLIAM ALSUP

Kenney
&
Markowitz
L.L.P.